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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,426	02/19/2002	Melvin Harry Johnson	IM-1289	3217

7590 11/04/2003  
Thomas H Magee  
E I du Pont de Nemours & Company  
Legal Patents  
Wilmington, DE 19898

EXAMINER
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GILLIAM, BARBARA LEE

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

**Application No.**

10/069,426

**Applicant(s)**

JOHNSON ET AL.

**Examiner**

Barbara Gilliam

**Art Unit**

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 17-19 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 06/26/02.                      6) ☐ Other:

## DETAILED ACTION

### *Claims*

1. Claims 1-19 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al.
  - a. In EP 469 735 A2, Peterson et al. teach a device for forming a flexographic printing plate wherein a preformed, imagewise irradiated sheet of film is heat treated by the device to remove unwanted portions of a top layer, leaving radiation hardened relief images on the plate. The device comprises a heating means for supplying heat to the film, a first delivery means for delivering a sheet of absorbent material to a surface of the film, a second delivery means for supplying film on the heating means, pressure means for causing liquefied material to be absorbed onto an absorbent material and a separation means for separating the absorbent material from the film (abstract). The heating step meets the limitations for the exterior heating step because when the preheating drum 18 is heated, the exterior surface of the film thereon is also heated. The drum is heated to cause a portion of the layer to liquefy (page 7, lines 1-6). The

preferred embodiment of Peterson et al. requires three passes to remove all of the molten polymer (page 11, lines 4-8).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al..

a. As indicated in the corresponding rejection under 35 USC 102(b), Peterson et al. (EP 469 735 A2) teach a device for forming a flexographic printing plate wherein a preformed, imagewise irradiated sheet of film is heat treated by the device to remove unwanted portions of a top layer, leaving radiation hardened relief images on the plate. The device comprises a heating means for supplying heat to the film, a first delivery means for delivering a sheet of absorbent material to a surface of the film, a second delivery means for supplying film on the heating means, pressure means for causing liquefied material to be absorbed onto an absorbent material and a separation means for separating the absorbent material from the film (abstract). There is no teaching in Peterson et al. of a forced cooling step as required in present application, however it would have been obvious to one of ordinary skill in the art to incorporate a cooling step

after the absorbent material is separated from the film to minimize damage of the imaged and to obtain a cooled film that can be handled soon after separation.

***Allowable Subject Matter***

6. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter:
  - a. There is no teaching or suggestion in Peterson et al. (EP 469 735 A2) of film layer 16 comprising a photosensitive layer and an infrared-sensitive mask layer as required in the present claim. In US 2002/0009672 A1, Daems et al. teach a direct-to-plate flexographic printing plate precursor comprising a photopolymerizable layer and an image recording layer which can be liquefied upon thermal development (abstract & [0022]). US 2002/0009672 A1 has an effective filing date of June 26, 2000.
8. Claims 1-13, 17-19 are allowed.
9. The following is an examiner's statement of reasons for allowance:
  - a. There is no teaching or suggestion in Peterson et al. (EP 469 735 A2) of maintaining the temperature of the exterior surface of the flexible substrate to a temperature at least 20°F below the exterior surface temperature of the heated composition layer while in contact with the absorbent layer as required in independent claims 1, 7, 17 and 19.

b. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. In US 2003/0180655 A1, Fan et al. teach a process for making a flexographic printing plate and a photosensitive element for use in the process.
- b. In US 5,279,697 Peterson et al. teach a device for forming flexographic printing plate.
- c. In US 5,175,072, Martens teaches a flexographic printing plate process.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Gilliam whose telephone number is 703-305-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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b. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*Barbara Gilliam*

Barbara Gilliam  
Examiner  
Art Unit 1752

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